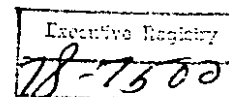


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(b)(1)  
(b)(3)

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505



National Intelligence Officers

NFAC-5624-78

18 DEC 1978

MEMORANDUM FOR: Director of Central Intelligence  
FROM : Deputy Director, National Foreign Assessment Center  
SUBJECT : Argentina's Demand for Dry-Land Point for Demarcation  
of Maritime Boundaries ☐

1. Action: For your information in response to questions you raised on Beagle Channel Alert Memorandum. ☐

2. Background: In the Beagle Channel dispute, Argentina is demanding that Chile cede a dry-land point for the demarcation of maritime boundaries, a concession Chile is unlikely to make at the Foreign Ministers' meeting scheduled for today, 12 December. ☐

3. Evout and Barnevelt Islands, both of which the Argentines believe are uninhabited, are annotated on the attached map. Argentina apparently intends to acquire one or both of these as dry-land points for the demarcation of maritime boundaries. They may also try to obtain part of Horn Island to establish a dry-land point for the Cape Horn Meridian. Reportedly, Argentina will seize these islands within 72 hours unless Chile turns them over to Argentina in the meeting today. Note that even if Argentina were to seize these islands, it would have no legal basis on which to declare a maritime boundary in the region. ☐

4. The attached map shows one version of the respective maritime claims of Chile and Argentina. There is insufficient evidence available to show fishing banks and oil/mineral deposits on the map. ☐

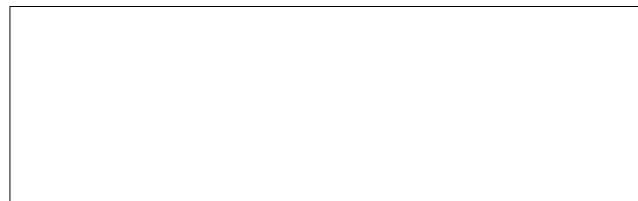
5. I draw your attention to the attached State Department cable, number 311008, which is the most concise and authoritative piece I have seen on the subject. ☐

*Sayre Stevens*  
Sayre Stevens

Atts: (2)

APPROVED FOR RELEASE ☐  
DATE: 04-Apr-2011

~~SECRET~~



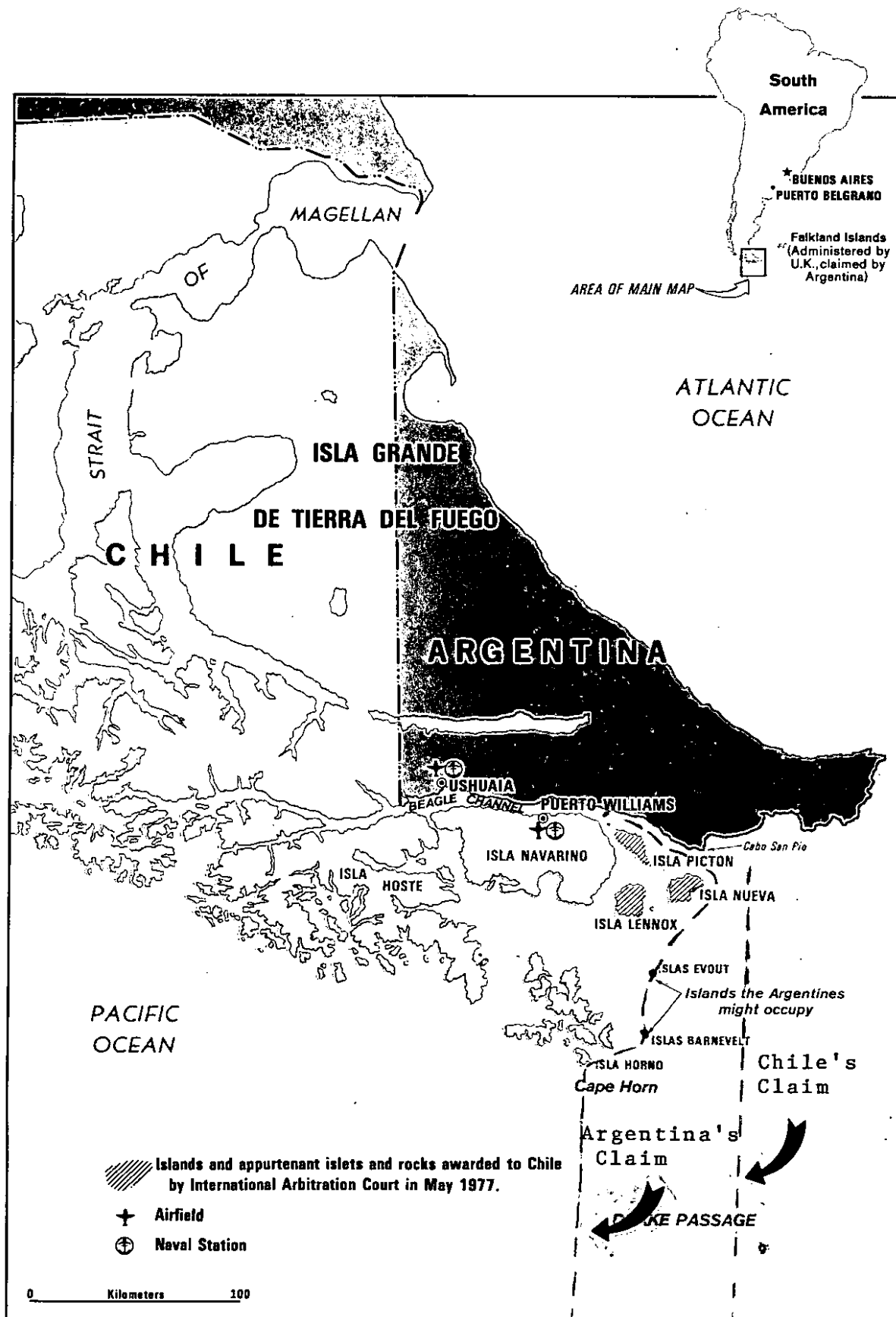
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NFAC-5624-78

SUBJECT: Argentina's Demand for Dry-Land Point for Demarcation of  
Maritime Boundaries

Distribution:

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624416 12-78

12 December 1978

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ACTION: NONE INFO: ODPS-S, RF, FILE, DDO-4, CR/WH, CRG-2,  
CRG/WH, D/FBIS-2, EPS/EG-2, EUR-3, FR, IAD/CAS-3, IAD/SOG-4, LA-3,  
NID/LA, OGCR-2, OGCR/ER-2, ORPA-5, OSI/PPB, OSR/RA, PCS/INT, (41/W)

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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE

RUFHOL/AMEMBASSY BONN IMMEDIATE 0000

RUFHBS/AMEMBASSY BRUSSELS IMMEDIATE 0000

RUDKPNQ/AMEMBASSY COPENHAGEN IMMEDIATE 0000

RUFHDB/AMEMBASSY DUBLIN IMMEDIATE 0000

RUDTC/AMEMBASSY LONDON IMMEDIATE 0000

RUFHBS/AMEMBASSY LUXEMBOURG IMMEDIATE 0000

RUFHMD/AMEMBASSY MADRID IMMEDIATE 0000

RUEHOT/AMEMBASSY OTTAWA IMMEDIATE 0000

RUFNPS/AMEMBASSY PARIS IMMEDIATE 0000

RUFHRO/AMEMBASSY ROME IMMEDIATE 0000

RUDKGPQ/AMEMBASSY THE HAGUE IMMEDIATE 0000

RUEHKO/AMEMBASSY TOKYO IMMEDIATE 0000

RUEHDT/USMISSION USUN NEW YORKE IMMEDIATE 0000

RULPALJ/USCINCSO IMMEDIATE

BT  
C O N F I D E N T I A L STATE 311008

E.O.112065 GDS 12/9/84 (VAKY, VIRON P.)

TAGS:AR, CI, PDIP

SUBJECT:BEAGLE CHANNEL DISPUTE

1. (C-ENTIRE TEXT)

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78 1684515

PAGE 002  
TOR: 091949Z DEC 78

NC 1684515

2. THE FOLLOWING IS SUMMARY PREPARED BY INR DESCRIBING THE ARGENTINE AND CHILEAN BEAGLE CHANNEL CLAIMS STRIPPED TO THEIR ESSENTIALS. IT IS SENT TO YOU FOR YOUR BACKGROUND AND UNDERSTANDING OF THIS PROBLEM AND IN THE EVENT THERE IS ANY REQUIREMENT TO DISCUSS THE ISSUE WITH HOST GOVERNMENTS.

3. THE POINT OF CONTENTION IS THE DELINEATION OF MARITIME/TERRITORIAL BOUNDARIES IN THE REGION SOUTH AND EAST OF THE BEAGLE CHANNEL.

4. ARGENTINA: THE ARGENTINES' CENTRAL CONCERN IS THE PRESERVATION OF WHAT THEY CONSIDER THE TRADITIONAL HISTORICAL DISTINCTION BETWEEN ARGENTINA, THE ATLANTIC POWER, AND CHILE, THE PACIFIC POWER. AT STAKE IS PRESTIGE, POTENTIAL MARINE RESOURCES, AND TERRITORIAL CLAIMS IN THE ANTARCTIC.

THE ARGENTINES WANT TO ENSURE THAT THE BOUNDARY WILL PREVENT THE CHILEANS FROM PARLAYING THE BEAGLE CHANNEL "LAUDO" INTO TERRITORIAL RIGHTS FAR INTO THE ATLANTIC TO THE SOUTH AND EAST OF THE CHANNEL. CONVINCED THAT INTERNATIONAL MARITIME LAW HAS BECOME A SOMEWHAT EPHEMERAL BASIS UPON WHICH TO REST THEIR CLAIMS, THEY ARE INSISTING ON POSSESSION OF ONE OR MORE ISLETS UPON WHICH TO ANCHOR THE NORTH-SOUTH BOUNDARY FROM THE CHANNEL TO CAPE HORN ISLAND. FROM THERE, THE ARGENTINES AND CHILEANS AGREE THAT THE LINE SHOULD PROCEED DUE SOUTH ALONG THE CAPE HORN MERIDIAN.

VARIOUS ARGENTINES HAVE MENTIONED POSSESSION OF SPECIFIC ISLETS, BUT THEY WOULD PROBABLY BE FLEXIBLE ABOUT THE CHOICE OF ANCHORS. IN THE LAST FEW WEEKS, THE ARGENTINE POSITION SEEMS TO HAVE HARDENED WITH RESPECT TO POSSESSION OF SOME FRACTION OF CAPE HORN ISLAND. AGAIN, HOWEVER, WE THINK THAT THE ARGENTINES WOULD COMPROMISE IF OTHER ISLETS WERE AVAILABLE.

5. CHILE: CHILE CLAIMS SOVEREIGNTY OVER THE CHANNEL ISLANDS AND ALL ISLETS TO THE SOUTH AS FAR AS AND INCLUDING CAPE HORN ISLAND. ITS CASE IS JURIDICALLY

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STATE

78 1684515

PAGE 003  
TOR: 091949Z DEC 78

NC 1684515

GROUNDING IN THE FEBRUARY 1977 "LAUDO" AND AN 1881 TREATY. IT ADAMANTLY REFUSES TO DISCUSS TERRITORIAL SOVEREIGNTY WITH RESPECT TO ANY AND ALL ISLETS THAT MIGHT PROVIDE THE ANCHORS ARGENTINA SEEKS. THE CHILEANS OFFER ONLY TO DISCUSS A MARITIME BOUNDARY, AND THEY PROBABLY PREFER ONE THAT BEGINS PERHAPS 12 OR MORE MILES TO THE EAST OF NJEVA ISLAND, PROCEEDS SOMEWHAT SOUTHEAST, AND THEN BENDS SOUTHWEST TO FINALLY INTERSECT WITH THE CAPE HORN MERIDIAN SOUTH OF CAPE HORN ISLAND. (THIS IS A GUESS AT WHAT THE CHILEANS MIGHT ACCEPT. THE IMPORTANT POINT IS THAT THERE ARE NO LAND ANCHORS.)

6. THE LEGAL-POLITICAL DISTINCTION: ARGENTINA'S CASE IS ROOTED IN ITS UNDERSTANDING OF HISTORICAL PRECEDENTS AND NATIONAL INTEREST, BUT IT HAS LITTLE STANDING IN INTERNATIONAL LAW. IT, THEREFORE, HAS EXERTED EVERY EFFORT TO PLACE THE DISPUTE WITHIN A POLITICAL, NON-JURIDICAL CONTEXT. IT WANTS A FRAMEWORK IN WHICH NEITHER THE "LAUDO" NOR TREATIES WOULD INHIBIT A SOLOMON-LIKE DIVISION OF ISLETS IN A FASHION THAT WOULD SATISFY ARGENTINA'S OWN FELT NEEDS AND POSSIBLY BE ACCEPTABLE TO BOTH PARTIES.

THE CHILEAN CASE IS ESSENTIALLY A COURT BRIEF. IT IS HIGHLY LEGALISTIC (UNDERSTANDABLY SO SINCE THE CHILEANS HAVE THE WEIGHT OF INTERNATIONAL LAW ON THEIR SIDE). UNFORTUNATELY, FOR BEING HIGHLY LEGALISTIC, IT IS ALSO QUITE INFLEXIBLE. FOR THE CHILEANS, THERE IS NO NEED

FOR A SOLOMON TO MEDIATE ON THE QUESTION OF TERRITORIAL SOVEREIGNTY BECAUSE THERE IS NOTHING LEGALLY UNDEFINED THAT NEEDS TO BE MEDIATED. THE MEDIATOR NEED ONLY BE CONCERNED WITH THE MARITIME BOUNDARY THAT WAS NOT ESTABLISHED BY THE "LAUDO" OR PREVIOUS TREATIES.

7. IMPLICATIONS FOR BILATERAL NEGOTIATIONS: THE POSITIONS ARE MUTUALLY EXCLUSIVE. THE DISPUTE REMAINS INTRACTABLE BECAUSE BOTH PARTIES BELIEVE THAT THEY ARE DEFENDING SIGNIFICANT NATIONAL INTERESTS. THE CHANCES FOR COMPROMISE HAVE BEEN WEAKENED FURTHER BY THE FACT THAT VIDELA'S RELATIVELY WEAK POLITICAL POSITION AT

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78 1684515

PAGE 004  
TOR: 091949Z DEC 78

NC 1684515

HOME MAKES IT UNLIKELY THAT HE CAN MAKE HIS HARDLINERS SWALLOW LESS THAN A FULL LOAF. AND PINOCHET HAS APPARENTLY CONCLUDED THAT HIS DOMESTIC SITUATION CAN ONLY BE IMPROVED IF THE ARGENTINES INDULGE IN NAKED AGGRESSION.

8. IMPLICATIONS FOR MEDIATION: THE POLITICAL-LEGAL DISTINCTION ENORMOUSLY COMPLICATES THE TASK OF GETTING THE ISSUE TO A MEDIATOR FOR TWO REASONS:

-- DECIDING WHAT TO MEDIATE: THE TWO SIDES DISAGREE ON WHAT IS TO BE MEDIATED (TERRITORY OR MARITIME BOUNDARY) AND ARE UNLIKELY TO PROCEED WITHOUT CLARIFYING THE POINT.

-- DECIDING WHO WILL MEDIATE: TH; CHILEANS WILL NATURALLY INSIST ON THE ICJ OR AN ALTERNATE THAT WILL ENSURE A DECISION BASED ON JURIDICAL CONSIDERATIONS. THE ARGENTINES HAVE ALREADY SAID THAT CHILEAN SUBMISSION OF THE CASE TO THE ICJ WILL BE VIEWED BY BUENOS AIRES AS AN UNFRIENDLY ACT. THE ARGENTINES WILL INSIST ON THE POPE OR ANOTHER MEDIATOR WHO THEY BELIEVE WILL ADOPT THE SOLOMON APPROACH OF SEARCHING FOR A POLITICALLY ACCEPTABLE, IF LEGALLY SUSPECT, SOLUTION.

CHRISTOPHER

END OF MESSAGE

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